

PARTIES

5. Plaintiff is a natural person who resides in City of Elyria, Lorain County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Delaware corporation and a debt collector with an office in Norfolk, Virginia.
8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. On or about March 24, 2012, Defendant placed a collection call to Plaintiff from telephone number 800-383-8013. An agent of Defendant identifying himself as “Tyler” spoke with Plaintiff’s spouse regarding an alleged past due bill from Ohio Edison in the amount of \$189.68 dating from April 2001. Defendant’s agent demanded immediate payment, but Plaintiff’s spouse refused and Defendant’s agent hung up on Plaintiff’s spouse.

11. When she arrived home, Plaintiff called Defendant. Defendant's agent informed Plaintiff that she had 14 days to pay the debt before it would be reported on her credit.
12. Defendant did not inform the Plaintiff that she, in fact, lawfully had thirty (30) days to dispute the debt or to request verification, and that Defendant could not report her to the credit bureaus for failure to make immediate payment or payment within 14 days as stated.
13. Plaintiff does dispute Defendant's alleged debt, in that it arises out of nonpayment of utility bill on a rental property that was an asset of closed probate estate proceedings such that Plaintiff is not lawfully obligated to remit any personal payment as Defendant misrepresented.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692e by using any false, deceptive, or misleading representation or means in connection with the collection of a debt.
 - b. Defendant violated §1692e(5) by threatening to take any action that cannot be legally taken or is not intended to be taken.
 - c. Defendant violated §1692f by using any unfair or unconscionable means to collect or attempt to collect a debt.
 - d. Defendant violated §1692g(a) by failing within five days of the initial communication with the consumer to send the consumer a written notice stating (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement that unless the consumer, within thirty days after receipt of the

notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector; (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and (5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

WHEREFORE, Plaintiff, ANNA SABO, respectfully requests judgment be entered against Defendant, for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, ANNA SABO, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

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